

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JESSICA JONES, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.

Defendants.

Case No. 2:20-cv-02892-SHL-tmp

JURY DEMAND

INDIRECT PURCHASER PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs individually and on behalf of all others similarly situated, hereby move this Court to certify this matter as a class action under Rule 23 of the Federal Rules of Civil Procedure. Plaintiffs contemporaneously serve their Memorandum of Law and the declarations in support of Class Certification.

Pursuant to Local Rule 7.2(d), Plaintiffs request oral argument. Plaintiffs believe oral argument will assist the Court in addressing the issues presented and will allow the parties to answer any questions the Court may have. Plaintiffs further request the opportunity to present evidence, including expert testimony, in support of this motion, at the convenience of the Court.

Proposed Class Definition:

Plaintiffs propose the following Nationwide Damages Class under Tennessee law and Rule 23(b)(3):

All natural persons and entities in the United States that indirectly paid Varsity or any Varsity subsidiary or affiliate, from December 10, 2016, until the continuing Exclusionary Scheme alleged herein ends (the “Class Period”) for: (a) registration

fees associated with participation in Varsity Cheer Competitions; (b) Varsity Cheer Apparel; or (c) registration fees for attendance at Varsity Cheer Camps.

Plaintiffs further propose the following State Law Damages Class under Rule 23(b)(3):

All natural persons and entities in the United States that indirectly paid Varsity or any Varsity subsidiary or affiliate, from December 10, 2016, until the continuing Exclusionary Scheme alleged herein ends (the “Class Period”) for: (a) registration fees associated with participation in Varsity Cheer Competitions; (b) Varsity Cheer Apparel; or (c) registration fees for attendance at Varsity Cheer Camps, in Arizona, Arkansas, California, Connecticut, the District of Columbia, Florida, Hawaii, Idaho, Iowa, Kansas, Maine, Massachusetts, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, and Wisconsin.¹

Plaintiffs further propose the following Nationwide Injunctive Relief Class under Rule 23(b)(2):

All natural persons and entities in the United States that indirectly paid Varsity or any Varsity subsidiary or affiliate, from December 10, 2016, until the continuing Exclusionary Scheme alleged herein ends (the “Class Period”) for: (a) registration fees associated with participation in Varsity Cheer Competitions; (b) Varsity Cheer Apparel; or (c) registration fees for attendance at Varsity Cheer Camps.

This Motion is based on the accompanying memorandum of law, the declaration of Joseph Saveri and all exhibits attached thereto, the declaration of Jessica Jones, the declaration of Christina Lorenzen, and the record evidence and filings in this case.

¹ On August 1, 2022, the Court dismissed Plaintiffs’ claims under (1) the antitrust and consumer protection laws of Alaska, Alabama, Colorado, and Illinois; (2) Tennessee antitrust law with respect to the Cheer Competitions and Cheer Camps markets; and (3) Tennessee consumer protection law. ECF No. 333. On August 23, 2022, Plaintiffs moved the Court to reconsider its ruling with respect to the dismissed Tennessee claims. ECF No. 335. The motion is fully briefed.

Dated: February 10, 2023

Respectfully submitted,

By: /s/ Joseph R. Saveri
Joseph R. Saveri

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CERTIFICATE OF CONSULTATION

I hereby certify, pursuant to Local Rule 7.2(a)(1)(B), that my firm has met and conferred with counsel for Defendants regarding this motion. Defendants oppose this motion.

/s/ Joseph R. Saveri

Joseph R. Saveri